

Translated from Spanish

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The Republic of El Salvador is submitting this report in response to General Assembly resolution 65/29, entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts", in which States parties were requested to transmit information pertaining to that matter to the Secretary-General.

With that in mind, and in view of the upcoming debate on the status of the Protocols Additional to the Geneva Conventions slated to be held during the sixty-seventh session of the General Assembly, El Salvador hereby reports its major accomplishments on the issue:

Based on El Salvador's recent history, we view the end of the armed conflict in 1992 as a watershed event. That fundamental change made clear that our national institutions needed to deepen their knowledge of international humanitarian law, which was understood as "international rules, established by treaties or custom, which are specifically intended to solve humanitarian problems directly arising from international or non-international armed conflicts and which, for humanitarian reasons, limit the right of parties to a conflict to use the methods and means of warfare of their choice or protect persons and property that are, or may be, affected by conflict".

For that reason, it was decided that a body should be established to implement and disseminate the principles and rules of international humanitarian law and to provide training in that area. That body, the Inter-Agency Committee on International Humanitarian Law of El Salvador, was established by Executive Decree No. 118 of 4 November 1997.

From its inception, the Committee has served as an advisory body to the Government of El Salvador on measures for implementing and promoting the conventions and protocols of international humanitarian law, as well as any national or international legal norms that may arise in this regard, in order to comply with the commitments undertaken with respect to international humanitarian law, in particular the provisions of the Geneva Conventions and their Additional Protocols of 1977.

Accordingly, the Committee seeks to develop regulations for implementing the obligations of the Government of El Salvador in order to guarantee the rights of persons in international and non-international armed conflicts.

It is worth noting that, as one of its first initiatives in compliance with the new international order that followed the Second World War, El Salvador ratified, through Legislative Agreement No. 173 of 10 December 1952, published in Official Gazette No. 37, volume 158, of 24 February 1953, all the provisions of the four Conventions signed in Geneva on 12 August 1949 at the diplomatic conference convened by the Swiss Federal Council at the behest of the International Red Cross. Those Conventions relate to the protection of war victims and consist of the following:

- a. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention);
- b. Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention);
- c. Geneva Convention relative to the Treatment of Prisoners of War (Third Convention);
- d. Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention).

Likewise, through the Legislative Agreement of 4 July 1978, published in Official Gazette No. 158, volume 260, of 28 August 1978, El Salvador ratified all the provisions of the two Protocols additional to the Geneva Conventions of 12 August 1949, namely:

- a. Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) of 1977;
- b. Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II) of 1977.

It is important to point out that as part of the work conducted in the field of international humanitarian law and in compliance with the above-mentioned legal instruments, our country ratified the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III) through the Legislative Decree of 31 May 2007, published in Official Gazette No. 122, volume 376, of 4 July 2007.

El Salvador also signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, endorsed by Executive Agreement No. 1064 of 30 October 2001* and subsequently ratified by Legislative Decree No. 609 of 15 November 2001, published in Official Gazette No. 238,* volume 353, of 17 December 2001, as a result of which all the obligations set out therein have entered into force at the national level.

One of the major achievements of El Salvador's Inter-Agency Committee on International Humanitarian Law was the ratification in March 2001 of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, along with its two Protocols. As a result of that ratification it was decided that as one of the appropriate measures for the safeguarding of the immovable cultural heritage, such property should be

* *Translator's note:* The Spanish original says "Acuerdo Ejecutivo N° 688, del 19 de octubre de 1933" and "Diario Oficial N° 9238"; the numbers and the date have been corrected on the basis of Official Gazette No. 238, vol. 353, of 17 December 2001 (pp. 1 and 38), accessed at <http://www.imprentanacional.gob.sv/index.php/servicios/en-linea/ciudadano/archivo-digital-del-diario-oficial>.

marked with the distinctive emblem established by that Convention. With the support of the United Nations Educational, Scientific and Cultural Organization, that initiative has resulted in the implementation of two phases of marking in which 38 cultural sites throughout the country have been marked and protected with the blue shield, placing us in the forefront of our region.

With respect to paragraph 3 of resolution 65/29, which “calls upon all States that are already parties to Protocol I... to make the declaration provided for under article 90 of that Protocol”, this issue will need to be analysed in a plenary session of the Inter-Agency Committee in order to evaluate the possibility of making the declaration provided for in that article, which will permit our country to avail itself, where applicable, of the services of the International Fact-Finding Commission in accordance with the provisions of article 90 of Protocol I.

In addition, with respect to the obligation to ensure the wide dissemination of international humanitarian law, indicated in paragraph 6 of resolution 65/29, the Inter-Agency Committee has been providing information to various sectors of the population on international humanitarian law and its implementation during armed conflicts, and has for that purpose held training sessions and review programmes for civil and military authorities, interested institutions and the general public.

As part of that effort, on 1 and 2 December 2011, the Inter-Agency Committee, in coordination with the International Committee of the Red Cross, held a regional seminar in El Salvador at which national committees on international humanitarian law discussed the protection of cultural property in situations of armed conflict. The seminar, in which representatives of Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, the Dominican Republic, Mexico, Chile, Ecuador and Argentina participated, was intended to enable Latin American countries to exchange experiences on the issue. Such activities promote awareness of international humanitarian law and emphasize the importance of strengthening a culture of peace and conflict prevention, along with the obligation to implement the relevant standards, including those relating to the protection of cultural property, in times of armed conflict.

Similarly, working in coordination with the Secretariat for Culture and the Ministry of Education, the Inter-Agency Committee has incorporated technical information on international law at an appropriate level into the country’s elementary-school textbooks. That initiative is intended to reach 487,549 primary-school pupils throughout the country. In June 2007, along the same lines, a page on international humanitarian law designed for schoolchildren was published in one of the largest national newspapers.

The above activities foster understanding of the importance of international humanitarian law and respect for its standards, thus increasing public awareness and education on the theme in all its dimensions.

In addition, it is important to note the participation of representatives of the Committee in the 30th International Conference of the Red Cross and Red Crescent, held in Geneva from 26 to 30 November 2007.

As noted in resolution 65/29, one of the aims of that Conference was to reiterate the obligation of States to take national measures to implement international humanitarian law, including training the armed forces and making this law known among the general public, as well as adopting legislation to punish war crimes in accordance with their international obligations.

Our country has not neglected its obligation to undertake initiatives that faithfully comply with that commitment. The draft reforms of the Penal Code that are currently being prepared are intended to incorporate war crimes into that body of law. At the same time, we call attention to the Legislative Assembly's adoption, by Decree No. 808 of 28 January 2009, published in Official Gazette No. 30, volume 382, of 13 February 2009, of the draft reforms of the law to protect the emblem and the name of the Red Cross and Red Crescent in order to include the provisions of the 2005 Protocol additional to the Geneva Conventions of 1949 (Protocol III).

In that respect, based on the foregoing, El Salvador, through its Inter-Agency Committee on International Humanitarian Law, has implemented measures to faithfully comply with its international commitments under international humanitarian law, all of which have been supported by the International Committee of the Red Cross, an international organization that has been an important bastion in the progress made to date.

The foregoing information indicates that El Salvador's efforts conform to the expectations set forth in General Assembly resolution 65/29 on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts.